

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Masaru OKAMOTO
Title: FUEL CELL SYSTEM
Appl. No.: 10/589,438
International Filing Date: 02/10/2005
371(c) Date: 08/15/2006
Examiner: Cynthia K. Lee
Art Unit: 1795
Confirmation Number: 9493

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of a document known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed document is being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

In a counterpart German application, an Office Action dated July 23, 2008, was received by Applicants. According to an English translation of the German Office Action obtained by Applicants' representative, the German Patent Office made certain characterizations of the references. The disclosure of these characterizations should not be construed as an admission of or agreement to the opinions expressed in the German Office Action. A copy of the German Office Action and English language translation are attached herewith.

Applicant wishes to advise the Examiner that documents US 2001/0055705, US 2002/0098393, JP 7-183039, JP 10-144334 and JP 11-026003, cited in the German Office Action, were previously provided in an Information Disclosure Statement dated August 15, 2006.

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

By _____

Date October 7, 2008

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